

REMARKS/ARGUMENTS

The amendments set out above and the following remarks are believed responsive to the points raised by the Office Action dated March 20, 2008. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

The Pending Claims

Claims 2, 3, 5, 23-26, and 29 have been canceled, and claims 1, 4, 6-22, 27, 28, and 30-32 remain pending.

Allowable Subject Matter

Applicants are pleased to note the Office Action indicates claim 5 is not rejected over the prior art of record.

The Office Action

Double Patenting Rejections

a). Claims 1-22 were rejected on the ground of nonstatutory obvious-type double patenting as being unpatentable over claims 1-28 of U.S. Patent 6,913,669 to Ensinger (hereinafter referred to as "Ensinger '669") in view of U.S. Patent 6,565,424 to Katagiri et al. (hereinafter referred to as "Katagiri et al.").

b). Claims 30-32 were rejected on the ground of nonstatutory obvious-type double patenting as being unpatentable over claims 1-26 of Ensinger '669, in view of Katagiri et al. as applied to claims 1-22 above, and in further view of U.S. Patent 6,251,215 to Zuniga et al. (hereinafter referred to as "Zuniga et al.").

With respect to the double patenting rejection, Applicants submit that claims 1-22 are patentably distinct over claims 1-28 of Ensinger '669. However, since as the Federal Circuit has held in Quad Environmental Technologies Corp. v. Union Sanitary District, 20 USPQ2d 1392, 1394-95 (Fed. Cir. 1991), the filing of a Terminal Disclaimer is merely a "simple expedient" to obviate a double patenting rejection and raises neither presumption nor estoppel on the merits of the double patenting rejection, Applicants are filing a Terminal Disclaimer

under 37 C.F.R. § 1.321(b) with respect to the referenced patent. The Terminal Disclaimer is provided with this Amendment. Applicants' representative emphasizes that the filing of the Terminal Disclaimer is merely an administrative convenience in order to expedite prosecution and does not imply concurrence in the double patenting rejection.

Rejections under 35 USC 103

a). Claims 1, 2, 8, 9, 20, and 30-32 were rejected under 35 USC 103(a) as being unpatentable over Zuniga et al. in view of Katagiri et al.

b). Claims 1-4, 6-9, 11-13, and 18-22 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0070757 A1 to DeMeyer et al. (hereinafter referred to as "DeMeyer et al.") in view of Katagiri et al.

c). Claims 10, 11, and 14-17 were rejected under 35 USC 103(a) as being unpatentable over Zuniga et al. in view of Katagiri et al. as applied to claims 1, 2, 8, 9, 20, and 30-32 above, further in view of U.S. Patent Application Publication 2002/0049030 to Numoto et al. (hereinafter referred to as "Numoto et al.").

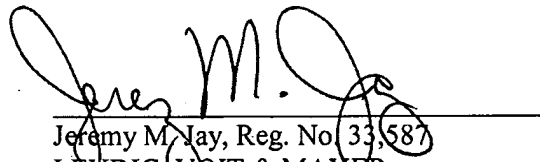
d). Claims 27-28 were rejected under 35 USC 103(a) as being unpatentable over Zuniga et al. or DeMeyer et al. in view of Katagiri et al. as applied above, in further view of U.S. Patent 6,390,908 to Chen et al. (hereinafter referred to as "Chen et al.").

Each of these rejections is separately and respectfully traversed. However, in order to expedite matters and to allow the application to pass to issuance quickly, claim 1 has been amended to include the limitations of claim 5 (as well as intervening claims 2 and 3), thus obviating the rejections under 35 USC 103. Claim 4 has been amended to now depend from allowable claim 1.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeremy M. Jay", is written over a horizontal line.

Jeremy M. Jay, Reg. No. 33,587
LEYDIG, VOIT & MAYER
700 Thirteenth Street, N.W., Suite 300
Washington, DC 20005-3960
(202) 737-6770 (telephone)
(202) 737-6776 (facsimile)

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JMJ/jj